

UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

LORI NICHOLSON,

Plaintiff,

v.

Case No.: 18-cv-3057

BIOMET, INC.; BIOMET ORTHOPEDICS,
LLC; BIOMET MANUFACTURING CORP.;
and BIOMET U.S. RECONSTRUCTION, LLC,

Defendants.

ITEMIZATION OF OTHER COSTS FOR
PLAINTIFF'S BILL OF COSTS

<i>Description</i>	<i>Amount</i>
Westlaw Research ¹ [documentation attached as Composite Exhibit A].....	\$9,076.38
Device Storage Costs for Nicholson Magnum Implant (Sci-Safe, Inc. & Get Orthopaedics) [documentation attached as Composite Exhibit B].....	\$3,312.39
Deposition Travel Expenses (2016) ² [documentation attached as Composite Exhibit C].....	\$1,462.07
Travel Expenses (Air Fare) – Trial ³ [documentation attached as Composite Exhibit D].....	\$13,242.20
Car Rental – Trial ⁴ [documentation attached as Composite Exhibit E].....	\$1,782.82

¹ *In re UnitedHealth Grp., Inc. v. Shareholder Derivative Litig.*, 631 F.3d 913, 918–19 (8th Cir. 2011) (affirming the district court's award reimbursing counsel for online research, such as Westlaw or Lexis and noting "[t]he prevailing view among other circuits is to permit awards to reimburse counsel for the reasonable costs of online legal research.") (citing other cases).

² See 28 U.S.C. § 1821(c)(4).

³ See 28 U.S.C. § 1821(c)(4).

⁴ See 28 U.S.C. § 1821(c)(4).

Parking – Trial ⁵ [documentation attached as Composite Exhibit F].....	\$108.00
Hotel/Lodging – Trial ⁶ [documentation attached as Composite Exhibit G].....	\$20,814.97
Meal Expenses – Trial ⁷ [documentation attached as Composite Exhibit H].....	\$3,106.00
Legal-Eze Trial Demonstratives [documentation attached as Composite Exhibit I].....	\$4,858.52
Dr. Emile Li – Expert Witness Fees ⁸ [documentation attached as Composite Exhibit J].....	\$6,130.00
<i>The attached itemization of Dr. Li’s expert witness fees totals \$6,170.00. Plaintiff subtracted \$40 from this total to avoid duplication of costs listed in the Witness Fees chart on the Bill of Costs Form.</i>	
Mari Truman – Expert Witness Fees ⁹ [documentation attached as Composite Exhibit K].....	\$8,443.30
<i>The attached itemization of Ms. Truman’s expert witness fees totals \$8,603.30. Plaintiff subtracted \$160 from this total to avoid duplication of costs listed in the Witness Fees chart on the Bill of Costs Form.</i>	
Dr. Steven Naide – Expert Witness Fees ¹⁰ [documentation attached as Composite Exhibit L].....	\$35,680.00
<i>The attached itemization of Dr. Naide’s expert witness fees totals \$35,800.00. Plaintiff subtracted \$120 from this total to avoid duplication of costs listed in the Witness Fees chart on the Bill of Costs Form.</i>	
Dr. George Kantor – Expert Witness Fees ¹¹ [documentation attached as Composite Exhibit M].....	\$10,000.00

⁵ See 28 U.S.C. § 1821(c)(4).

⁶ See 28 U.S.C. § 1821(c)(4).

⁷ See 28 U.S.C. § 1821(c)(4).

⁸ See 28 U.S.C. § 1920(3); *see also Roberts v. S.S. Kyriakoula D. Lemos*, 651 F.2d 201, 206 (3d Cir. 1981) (“We therefore agree with the District of Minnesota and ***the Eighth Circuit that Farmer affords a district court equitable discretion to award expert fees when the expert’s testimony is indispensable to determination of the case*** . . . when the expert’s testimony played a crucial role in the resolution of the issues presented, a district court, in its discretion, may award expert fees.”) (citing *Farmer v. Arabian Am. Oil Co.*, 379 U.S. 227 (1964)) (emphasis added); *Paschall v. Kansas City Star Co.*, 695 F.2d 322, 339 (8th Cir. 1982), *on reh’g*, 727 F.2d 692 (8th Cir. 1984) (“[W]e conclude that the district court here had discretion to award costs to plaintiffs for their expert witness fees.”).

⁹ See 28 U.S.C. § 1920(3); *see also Roberts*, 651 F.2d at 206; *Paschall*, 695 F.2d at 339.

¹⁰ See 28 U.S.C. § 1920(3); *see also Roberts*, 651 F.2d at 206; *Paschall*, 695 F.2d at 339.

¹¹ See 28 U.S.C. § 1920(3); *see also Roberts*, 651 F.2d at 206; *Paschall*, 695 F.2d at 339.

FedEx Mail Charges & Overnight Charges ¹²	
[documentation attached as Composite Exhibit N].....	\$904.25
Dynamic – Trial Exhibit and Technological Support Services	
[documentation attached as Composite Exhibit O].....	\$34,129.85
Jury X – Trial Support and Consulting Services	
[documentation attached as Composite Exhibit P].....	\$15,459.26
TOTAL.....	\$168,510.01

¹² *Pinkham v. Camex, Inc.*, 84 F.3d 294–95 (8th Cir. 1996) (allowing recovery for messengers and express mail under the Copyright Act).